

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-11-0154 MMC

Plaintiff,

**ORDER DENYING DEFENDANT
EDUARDO PACHECO'S MOTION FOR
SENTENCE REDUCTION, CONSTRUED
AS MOTION FOR RECONSIDERATION**

v.

EDUARDO PACHECO,

Defendant.

Before the Court is defendant Eduardo Pacheco's "Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)," filed November 19, 2015, by which defendant seeks a reduction of his sentence under Amendment 782 to § 1B1.10 of the United States Sentencing Guidelines. Having read and considered the motion, the Court rules as follows.

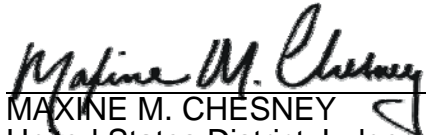
On June 18, 2015, defendant filed a motion seeking a reduction of his sentence under Amendment 782, which motion the Court denied by order filed October 9, 2015. Specifically, the Court found defendant was not entitled to a reduction, as the applicable amended guideline range is 168 to 210 months, and defendant's sentence of 140 months is already less than the minimum of said amended range. See U.S.S.G. § 1B1.10(b)(2)(A) (providing sentence may not be reduced "to a term that is less than the minimum of the amended guideline range").

1 The instant motion, which the Court construes as a motion for reconsideration of the
2 Court's order of October 9, 2015, requests a reduction to a term of 120 months. As set
3 forth in the order of October 9, 2015 and above, however, defendant is not entitled to a
4 reduction that is less than the minimum of the amended guideline range. See id.

5 Accordingly, defendant's motion is hereby DENIED.

6 **IT IS SO ORDERED.**

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8 Dated: November 24, 2015


MAXINE M. CHESNEY
United States District Judge